

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	MDL No. 02419
LITIGATION)	Docket No. 1:13-md-2419-RWZ
_____)	
)	
This document relates to:)	
)	
All Cases against the Box Hill Defendants ¹)	
)	

THE BOX HILL DEFENDANTS' MOTION FOR LEAVE TO FILE SUR-REPLY

Defendants Box Hill Surgery Center, LLC, Ritu T. Bhambhani, M.D., and Ritu T. Bhambhani, M.D., LLC (collectively, "Box Hill Defendants") move pursuant to Local Rule 7.1(b)(3) to file a Sur-Reply², which is attached as *Exhibit 1*, to Plaintiffs' Motion to Strike Certain Affirmative Defenses, Cross Claims, and Third-Party Claims from Defendants' Answer to Plaintiffs' Complaints ("Plaintiffs' Motion to Strike").

Plaintiffs filed a Motion to Strike four affirmative defenses that Defendants asserted in their Answers to Plaintiffs' Complaints. Defendants have opposed this Motion. On January 21, 2016, Plaintiffs filed a Reply in support of their Motion to Strike, in which they have misstated and/or misrepresented Maryland law. Defendants' sur-reply will address these misstatements and misrepresentations.

¹ This pleading applies to the following cases: Handy v. Box Hill Surgery Center, LLC, et al. No: 1:14-cv-14019-RWZ; Armetta v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14022-RWZ; Torbeck v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14023-RWZ; Kashi v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14026-RWZ; Bowman v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14028-RWZ; Dreisch v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14029-RWZ; Davis v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14033-RWZ; Farthing v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14036-RWZ.

² Defendants' proposed sur-reply is brief and does not reargue any of the points made in Defendants' Opposition.

Dated: February 4, 2016

Respectfully submitted,

/s/ Gregory K. Kirby

Gregory K. Kirby

Pessin Katz Law, P.A.

901 Dulaney Valley Road, Suite 500

Towson, Maryland 21204

gkirby@pklaw.com

(410) 938-8800

Attorneys for Box Hill Surgery Center, L.L.C.,

Ritu T. Bhambhani, M.D., and Ritu T.

Bhambhani, M.D., L.L.C.

CERTIFICATE OF SERVICE

I, Gregory K. Kirby, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the plaintiffs in the individual cases, and will be sent to these parties by operation of the CM/ECF system on February 4, 2016.

/s/ Gregory K. Kirby